

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Rolf ECKMILLER

Appl. No. 10/056,208

Confirmation No. 6905

Filed: January 28, 2002



Art Unit: 3762

Examiner: Not yet assigned

Atty. Docket No. 39491-177858

For: RETINAL IMPLANT WITH  
IMPROVED IMPLANTATION  
AND WORKING PROPERTIES

Customer No.



26694

PATENT TRADEMARK OFFICE

**Information Disclosure Statement (IDS)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. §§ 1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application and any other application relying on the filing date of the above identified application or cross-referencing it as a related application.

[X]1. This IDS should be considered, in accordance with 37 C.F.R. § 1.97, as it is filed:

(Check one of the boxes A-D)

[X] A. within three months of the filing date of the above identified national application or within three months of the entry into the national stage of the above-identified international application.

[] B. before the mailing date of a first office action on the merits.

[] C. after (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary certification (box "i" below) or paid the necessary fee (box "ii" below).

(check one of the boxes "i" and "ii" below:)

[] i. Counsel certifies that, upon information and belief, each item of information listed herein was either (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or (b) was not first cited in a communication from a foreign patent office in a counterpart

foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

☐ ii. A check for the fee set forth in 37 C.F.R. § 1.17(p), presently believed to be \$180, is enclosed.

☐ D. after (A), (B) and (C) above, but before payment of the issue fee: Applicant petitions under 37 C.F.R. § 1.97(d) for the consideration of this IDS. A check for the fee set forth in 37 C.F.R. § 1.17(p), presently believed to be \$180, is enclosed. Counsel certifies that, upon information and belief, each item of information listed herein was either (i) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the IDS; or (11) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

☒ 2. In accordance with 37 C.F.R. § 1.98, this IDS includes a list (e.g., form PTO-1449) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached, except as explained below.

(check boxes A and/or B and fill in blanks, if appropriate.)

☐ A. Document(s) \_\_\_\_\_ is (are) deemed substantially cumulative to document(s) and, \_\_\_\_\_, in accordance with § 1.98(c), only a copy of each of the latter documents is enclosed.

☐ B. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon under 35 U.S.C. § 120:

[insert serial numbers and filing dates of prior applications]

Applicant identifies these documents by attaching hereto copies of the forms PTO-892 and PTO-1449 from the files of the prior application(s) or a fresh PTO-1449 listing these documents, and request that they be considered and made of record in accordance with § 1.98(d). Per 37 CFR § 1.98(d), copies of these documents need not be filed in this application.

☒ 3. Document A3 is not in the English language. In accordance with § 1.98(c), Applicant states:

☐ An English translation of each document \_\_\_\_\_ (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application, or English-language abstract (or claim) is enclosed.

☐ A concise explanation of the relevance of document(s) is found in the attached search report (see reply to Comment 68 in the preamble to the final rules; 1135 OG 13 at 20).

☒ A concise explanation of the relevance of document(s) is set forth as follows:

Reference A3, entitled "Retina Implant Projekt Jahresbericht 96/97," describes the progress made during the time covered by the report in the development of a particular neural network based retinal implant. In particular, the portion of the report included, Pages C-1 to C-5, describes developments concerning a retinal encoder. Of interest are, for example, Abbild (Figure) C2 on Page C-4, which shows a block diagram and chip photograph of a photodetector array for use with the retinal implant in development; and Abbild (Figure) C5 on Page C-5, which shows a circuit diagram for a signal transmission system for use as part of the retinal implant.

☐ A concise explanation of the relevance of document(s) can be found on page(s) of the specification.

☐ A concise explanation of document(s) can be found on the attached sheet.

4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).

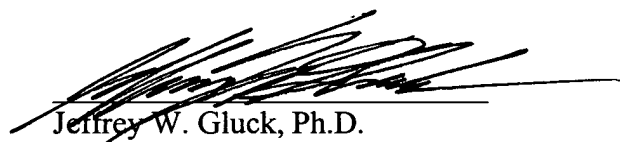
☐ 5. Other information being provided for the examiner's consideration follows:

[Insert other relevant information]

6. In accordance with 37 C.F.R. §§ 1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item, and Applicant reserves the right to prove that the date of publication is in fact different.

Respectfully submitted,

Date: 3/26/02



Jeffrey W. Gluck, Ph.D.

Registration No. 44,457

VENABLE

P.O. Box 34385

Washington, D.C. 20043-9998

Telephone: (202) 962-4800

Direct Dial: (202) 216-8017

Telefax: (202) 962-8300

Enclosures

+

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

**Complete if Known**

Application Number	10/056.208
--------------------	------------

Filing Date	January 28, 2002
-------------	------------------

First Named Inventor	Rolf ECKMILLER
----------------------	----------------

Group Art Unit	3762
----------------	------

Examiner Name	Not yet assigned
---------------	------------------

Attorney Docket Number	39491-177858
------------------------	--------------

Sheet	1	of	2
-------	---	----	---

U.S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

[illegible]

Examiner  
Signature

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**VENABLE**

